



CITY OF HOPKINSVILLE
KENTUCKY

42241-0707

T. MARK WITHERS, II
CAO/CITY CLERK

P.O. BOX 707
502/887-4000
FAX 502/887-4068
TDD 502/887-4287

September 20, 1999

Mr. John Y. Brown, III
Secretary of State
The CAPITOL
700 Capitol Ave. Suite 152
Frankfort KY 40601

RECEIVED
SEP 29 1999
SECRETARY OF STATE
COMMONWEALTH OF KY

Dear Secretary Brown:

I am providing you with a map along with a certified copy of Ordinance No. 25-99 (**Lafayette Road Annexation/ 15.761 acres**), as required by KRS.81A.470.

Sincerely,

T. Mark Withers, II
CAO/City Clerk

cc: Kandie Atkinson ✓
Land Office

CERTIFICATION

I, T. Mark Withers, II, City Clerk of the City of Hopkinsville, hereby certify that the foregoing is a true and accurate copy of Ordinance No. 25-99, of the City of Hopkinsville introduced and given first reading on June 15, 1999 and given second reading and enacted on July 06, 1999, and I am the custodian of the original, which is maintained at the Lackey Municipal Building, 101 N. Main Street, Hopkinsville, Kentucky 42240.

Date
Seal

9/21/99


T. Mark Withers, II
CAO/City Clerk

ORDINANCE NO. 25-99

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF HOPKINSVILLE, KENTUCKY

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF HOPKINSVILLE, AS FOLLOWS:**

SECTION ONE

The City Council of the City of Hopkinsville does hereby state and declare an area described in Exhibit A to be annexed into the City limits of Hopkinsville. Exhibit A is attached hereto and incorporated herein by the reference as if fully set forth.

SECTION TWO

Pursuant to House Bill 466 adopted in the 1994 Kentucky General Assembly, that amended KRS 81A.412 to permit "consent annexation," all property owners involved have requested to be annexed immediately into the City of Hopkinsville under said house bill and no Ordinance of Intent is required.

SECTION THREE

The City Council of the City of Hopkinsville declares that the service delivery plan and City taxes will be in effect on the 1st day after publication of this ordinance.

SECTION FOUR

If any section, subsection, sentence, clause, or phrase, of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the remaining portions of this ordinance.

SECTION FIVE

Any and all existing ordinances inconsistent with this ordinance are repealed.

SECTION SIX

This ordinance shall become effective upon its passage, approval and publication according to law.

PUBLICLY READ AND PASSED FIRST TIME:

June 15, 1999

PUBLICLY READ AND PASSED SECOND TIME:

July 06, 1999

APPROVED:

Richard G. Liebe

Richard G. Liebe
Mayor

ATTEST:

T. Mark Withers, II

T. Mark Withers, II
CAO/City Clerk

Charles W. Billingsley Surveying Company

P. O. Box 238
750 West 15th Street
HOPKINSVILLE, KENTUCKY 42241

Phones: Office 885-9893; Home 885-5791

April 20, 1999

Lafayette Road Annexation
Hopkinsville, Christian County, Kentucky

Property located in Christian County, Kentucky, at the Southeast intersection of KY HWY 107 (Lafayette Road) and Eagle Way By-Pass.

Beginning at a point in the center line of Intersection of Lafayette Road (KY HWY 107) and Eagle Way By-Pass, being a point in the existing City Limits of Hopkinsville, Kentucky; Thence South 49 degrees 37 minutes 03 seconds East with center line of By-Pass 1,037.74 feet to a point; Thence South 50 degrees 25 minutes 30 seconds East with chord of curve 324.93 feet to a point; Thence South 54 degrees 00 minutes 34 seconds East with chord of curve 221.07 feet to a point; Thence South 32 degrees 45 minutes 28 seconds West, 95.11 feet to an existing iron pin in the right of way of By- Pass; Thence North 87 degrees 31 minutes 15 seconds West with North line of Christian County School District Finance Corp., 1,336.63 feet to an existing iron pipe; Thence North 19 degrees 51 minutes 58 seconds East with right of way of KY HWY 107 (Lafayette Road) 154.12 feet to an existing monument; Thence North 17 degrees 51 minutes 15 seconds East with said right of way 119.18 feet to an existing iron pipe; Thence North 18 degrees 01 minutes 08 seconds East with right of way 269.97 feet to an existing iron pin corner to Henry Frances Property; Thence North 13 degrees 42 minutes 05 seconds East with right of way 290.39 feet to an existing iron pin; Thence North 17 degrees 55 minutes 47 seconds West, 244.30 feet

Charles W. Billingsley Surveying Company

P. O. Box 238

750 West 15th Street

HOPKINSVILLE, KENTUCKY 42241

Phones: Office 885-9893; Home 885-5791

to the beginning.

Property contains 15.761 acres.

The above description was prepared from a physical survey performed 4/5/99 by Charles W. Billingsley, Kentucky Registered Land Surveyor 1582 and is subject to all easements and right of ways of record and in existence.

NOTE: SURVEY AND DESCRIPTION FOR CITY BOUNDARY USE ONLY, NOT FOR LAND TRANSFER.

May 14, 1999

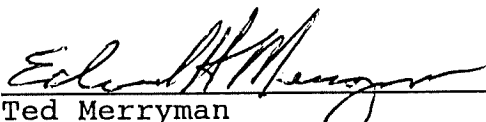
Mayor and City Council
City of Hopkinsville
Lackey Municipal Building
P. O. Box 707
Hopkinsville, Kentucky 42241-0707

CONSENT TO ANNEXATION

Dear Mayor and City Council Members:

I the undersigned, acting on behalf of the Commonwealth of Kentucky through the Department of Highways of the Transportation Cabinet, hereby consent to the City of Hopkinsville's annexation of approximately 15.761 acres of Eagle Way, near the intersection of Eagle Way and Kentucky Highway 107 in Christian County, Kentucky, which is more particularly described in Exhibit A attached hereto and incorporated herein by reference.

On behalf of the Commonwealth, I agree to waive the sixty (60) day remonstrance period provided in the Kentucky Revised Statutes so that this property may be annexed at the earliest opportunity.

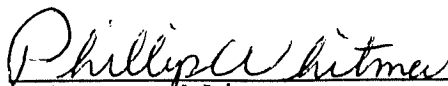

Ted Merryman
Chief District Engineer
District Two
Department of Highways
Transportation Cabinet

STATE OF KENTUCKY)
: SCT.
Hopkins COUNTY)

Subscribed, acknowledged and sworn to before me by Ted Merryman, Chief District Engineer, District Two, Department of Highways, Transportation Cabinet, on the 8th day of June, 1999.

My commission expires 10-21-2002.

(Seal)


Notary Public

CONSENT TO ANNEXATION,
RELEASE AND RESTRICTIVE COVENANT

THIS CONSENT TO ANNEXATION, RELEASE AND RESTRICTIVE COVENANT made and entered into this 18 day of AUGUST, 1998, by and between EXCHANGE FORTY NINE and _____, whose address is 4300 LOFAYETTE ROAD, Hopkinsville, Kentucky, 42240 ["GRANTORS"] and the CITY OF HOPKINSVILLE, KENTUCKY ["GRANTEE"];

WHEREAS, Grantors have requested Grantee to provide sewer and water service to Grantors' property located at [the "Property"], more specifically described below, into the City of Hopkinsville, Kentucky;

WHEREAS, in consideration of the Grantee's extension of sewer and water service to the Property, Grantors have requested Grantee to annex the Property;

WHEREAS, in further consideration of the Grantee's extension of sewer and water service to the Property, Grantors acknowledge that the Property may not be assigned a zoning designation in accordance with Grantors' wishes, and Grantors release Grantee from any liability associated with the annexation and zoning of the Property;

IT IS THEREFORE AGREED AS FOLLOWS:

1. Grantors hereby request and consent to annexation of the Property into the City of Hopkinsville, Kentucky pursuant to KRS 81A.412. Grantors shall be prohibited from opposing said annexation. In the event Grantors execute a remonstrance petition opposing said annexation, their signatures shall be deemed invalid and of no effect pursuant to KRS 81A.420.

2. Grantors hereby release Grantee, the Hopkinsville Christian County Planning Commission, and their respective agents, officers, employees and representatives, from any and all claims arising out of or related in any way to the annexation and zoning of the Property.

3. The Property is more particularly described as follows:

DESCRIPTION AND SOURCE OF TITLE

4. Grantors shall not transfer the Property or any portion thereof without first notifying Grantee in writing and advising the proposed transferee of the terms hereof. Grantors shall not transfer the Property or any portion thereof until their transferee executes a similar document which releases the above released parties from any and all liability arising out of the annexation and zoning of the Property.

5. This Consent to Annexation, Release and Restrictive Covenant shall be perpetual and shall run with the Property, and shall be binding upon Grantors, and their heirs and assigns.

GRANTORS:

Howard Myers
PRES. EXCHANGE FORTY NINE

STATE OF KENTUCKY)
CHRISTIAN COUNTY) SCT.

Subscribed and sworn to before me by
Exchange Forty Nine and _____
this 18th day of August, 1998.
My commission expires: November 3, 2001

James C. Overley
Notary Public

(GRAT.)

This instrument prepared by
Logan B. Askew
White, White, Askew & Crenshaw
P. O. Box 2
Hopkinsville, Kentucky 42241

Mayor and City Council
City of Hopkinsville
Lackey Municipal Building
P.O. Box 707
Hopkinsville, KY 42241-0707

Dear Mayor and City Council Members:

I, Henry C. Francis, own the property located on 4250 Lafayette Rd.
S.E. Corner Lafayette Rd. and, Hopkinsville, Kentucky.
Eagle Way Bypass

I understand that the City of Hopkinsville is considering the annexation of territory which includes my property.

I wish to have my property annexed by the City of Hopkinsville and request that you take all necessary action to have this accomplished as soon as possible. I will take all necessary action to decertify my property as part of the existing agricultural district prior to the adoption of the annexation ordinance.

I hereby agree to waive the sixty (60) day remonstrance period provided in the Kentucky Revised Statutes so that my property may be annexed at the earliest opportunity.

In making this request and waiver, I acknowledge that neither the City of Hopkinsville, the Hopkinsville-Christian County Planning Commission nor any of its agents, employees or legal representatives have made any representations concerning how my property may be zoned after completion of the annexation. To the contrary, the City of Hopkinsville has advised of the procedure to obtain a zoning designation for this property. I understand that my property and the area proposed to be annexed may be zoned against my wishes. I hereby release the City of Hopkinsville, the Hopkinsville-Christian County Planning Commission, and their respective agents, employees and legal representatives from any and all claims arising out of the annexation and zoning of my property that I am requesting the City to annex.

I hereby certify that I will not transfer my property without first notifying the City of Hopkinsville and advising the proposed transferee of the terms hereof. I will not transfer the property until my

transferee executes a similar document which releases the above released parties from any and all liability arising out of the annexation and zoning of this property.

Very truly yours,

Henry C. Francis
La Rue C. Francis

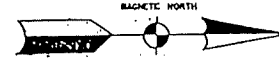
State of Kentucky
Christian County)

Subscribed and sworn to before me by Henry & La Rue Francis
this 2 day of July, 1998.

My Commission expires 10/19/2000.

(Seal)

Clarise Green
Notary Public



CHRISTIAN COUNTY SCHOOL DISTRICT
FINANCE CORPORATION PROPERTY
Deed Book 47q Page 647
Christian County, Ky.

BOOK #85 DATE 4/29/99 PAGE 1 DRAWING NO.6466	LEGEND POINT MARK * CONCRETE INJECTION ■ REINFORCING BARS ○ EXISTING RETRACTION LINE --- PROPOSED RETRACTION LINE - - - EXISTING CURB LINE ——— PROPOSED CURB LINE ———
HENRY FRANCES OWNER EXCHANGE FORBY NINE INC. ADDRESS HORNSTUNVILLE KY	CHARLES W. BILLINGSLEY SURVEYING COMPANY 750 WEST 15TH STREET HOPKINSVILLE KENTUCKY PHONE : 502-885-9893

RECEIVED AUG 10 1999

Charles W. Billingsley Surveying Company

P. O. Box 238

750 West 15th Street

HOPKINSVILLE, KENTUCKY 42241

8/11/99

Mr. Henry Francis delivered this survey to me on 8/10/99, one day after the ordinance was published. He had the survey redone to correct his name which was misspelled. I am appending this survey to Ord. No. 25-99 for a correction on Mr. Francis' last name.

Phones: Office 885-9893; Home 885-5791

April 20, 1999

Lafayette Road Annexation

Lynn Moseley
Deputy City Clerk

Hopkinsville, Christian County, Kentucky

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OVERSIZE MAP INCLUDED WITH
SUBMISSION.

To research the map, contact the
Office of Secretary of State
or the County Clerk.